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No. [redacted]

In the

Supreme Court of the United States

OCTOBER TERM, 1968

THE BASSICK COMPANY and
STEWART-WARNER CORPORATION,
Petitioners,

v.

DAVID R. BLAKE and
EVER-LEVEL GLIDES, INC.,
Respondents.

PETITIONERS' REPLY BRIEF IN SUPPORT OF PETITION FOR WRIT OF CERTIORARI

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Upon reading respondents' brief, the Court will find one critically significant omission.

That omission relates to respondents' flat assertion "that the courts below both specifically found that no misrepresentations were made to the Patent Office" (Respondents' Brief, pp. 2-3).

Respondents do not cite any finding made by the District Court—or any statement contained in the Court of Appeals opinion—to support their assertion.

The reason for that omission is clear.

Neither the District Court nor the Court of Appeals found that Blake had **not** made a factual misrepresentation when he swore that the attorney who filed his U.S. application "did not know of" Blake's earlier British application.*

Indeed, neither court **could** have made such a finding, in the face of the express reference to the British application contained on the last page of the U.S. application prepared by Blake's U.S. attorney and reproduced at page 9 of the petition.

The substantial identity between the texts of the British and U.S. applications confirms what is conclusively proved by that express reference—i.e., that Blake's U.S. attorney **did** "know of" Blake's British application when he filed the corresponding U.S. application, and Blake lied when he swore to the Patent Office that his attorney did not have such knowledge.

The only ground on which respondents have resisted the granting of certiorari in this case is thus shown to be untenable.

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* The failure of both courts to make any such finding is discussed in detail at pages 15 through 19 of the petition for certiorari in this case.

Conclusion

Respondents do not deny that the legal issue raised by the petition for certiorari is one of broad public importance.

Petitioners believe the Court will agree that the question presented should be authoritatively resolved. They urgently request that certiorari be granted.

Respectfully submitted,

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